TO: All Chapter 13 Practitioners
Revised: March 2, 2004

CHAPTER 13 PROCEDURES FOR CASES ASSIGNED TO JUDGE OVERSTREET

The following procedures will apply to Chapter 13 cases assigned to Judge Overstreet.

Motion Calendar Days and Location: Judge Overstreet will hold motion calendars for her Chapter 13 cases on the 1st and 3rd Wednesday of each month in Courtroom 7206, U.S. Courthouse, 700 Stewart Street, Seattle, WA. The following general procedures will apply to Chapter 13 cases:

Confirming Motions: The moving party or an objecting party must confirm any motion that will be argued no later than **noon** on the **Friday prior to the Wednesday motion calendar**. Motions that are not confirmed will not be heard. **It is not necessary to confirm matters that are unopposed - please confirm only matters that will be argued.** Confirmations should be made by email to **JudgeOverstreet confirm13@wawb.uscourts.gov. You will find a button on the Court's website with a form you can use to confirm Chapter 13s under *Judges Calendars/Judge Karen A. Overstreet/Chapter 13 E-Mail Confirmation.*** If you are not able to use email, you may confirm matters by calling chambers at 206-370-5330. **Matters will be heard in the order that they are confirmed, i.e., on a first confirmed, first called basis.**

Confirming Plan Confirmation Hearings: In the case of a confirmation hearing, the Chapter 13 plan will be treated as the "motion" and the objection to confirmation as the "response" for purposes of LBR 9013-1(f). Notwithstanding that LBR 3015-1(e) requires the objecting creditor to confirm a plan confirmation hearing where the objection will be argued by noon two days prior to the hearing, **Judge Overstreet requires the hearing to be confirmed my noon, the Friday before the calendar and will permit either party to confirm the hearing.** Therefore, if the debtor confirms the hearing and the creditor fails to attend the hearing, the objection may be denied and the plan confirmed. Likewise, if the creditor confirms the hearing and the debtor does not attend the hearing, the objection may be sustained and an order entered denying confirmation. **The objecting creditor may not submit an order with a declaration of no response just because the debtor fails to file a reply after the objection is filed.**

Continuing or Striking Motions: Motions may **not** be continued or stricken from the calendar without the agreement of any party who has filed an objection or other response to the motion. You may call or email chambers (**JudgeOverstreet_confirm13@wawb.uscourts.gov**) to strike or continue a motion, at which time you must represent that you have already obtained the consent of any opposing party.

Matters Continued More than 4 Months: No matter may be continued for more than four (4) months from the original date of the hearing without the consent of Judge Overstreet. If you want to continue a matter beyond this time frame you should fax a letter to Judge Overstreet's chambers with a request for continuance and a reason justifying the continuance. Your letter should be copied to any party who has filed a response or objection to the motion and to the Chapter 13 Trustee's office. A member of Judge Overstreet's staff will advise you promptly of the approval or denial of your request.

The above procedures are not meant to increase the cost to Chapter 13 practitioners or their clients. Our goal is to give our full attention to these cases in an effort to move them to confirmation where that is appropriate. We hope that you will be patient with the new procedures and we thank you in advance for your cooperation as we get used to the process ourselves. Please let us know if you have any suggestions for how we can improve the administration of these important cases and the services we provide to you.

Judge Karen A. Overstreet
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